



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

June 9, 2022

Re: FOIA Request NLRB-2022-001166

Dear Daniel Wolff (Marrinan & Mazzola Mardon PC):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on May 11, 2022, in which you seek copies of all records in *International Longshoremens Association, Local 1414 (Georgia Stevedores Association)*, Case Nos. 10-CB-8319, 10-CB-8320, 10-CB-8321, 10-CB-8333, 10-CB-8356, 10-CB-8357, 10-CB-8358, 10-CB-8359, 10-CB-8360, 10-CB-8361, 10-CB-8362, 10-CB-8363, 10-CB-8383, 10-CB-8396, 10-CB-8413, 10-CB-8436, and 10-CB-8437. You assumed financial responsibility for the processing of your request in the amount of \$500.00.

We acknowledged your request on May 11, 2022.

As explained below, your request is denied in part and granted in part.

The Agency's record retention and disposition policy requires the retention of records for a six-year period commencing at the close of the calendar year during which the case is closed. Unless they are selected for permanent retention based on their legal significance, the records are then destroyed.

A search of the Agency's electronic casehandling system, NxGen, was conducted for records responsive to Case No. 10-CB-8319. This search yielded no records of any type for that case. A further search was conducted by the Agency's Case Records Unit and it was confirmed that this case was not selected for permanent retention; therefore, the Agency does not maintain any paper records responsive to this portion of your request. As such, this portion of your request is denied.

Searches were also conducted in NxGen for the remaining case numbers listed in your request. These searches yielded the same one-page record in the case file for each of the remaining case numbers. A further search of was conducted by the Agency's Case Records Unit, and none of these cases were selected for permanent retention; therefore, the attached one-page record is the only record maintained by the Agency for these case files.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests “from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you “will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought.” 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Thirty minutes of professional time were expended in searching for and reviewing for release the requested material. Accordingly, please remit \$18.50.

Payment Instructions: Due to the COVID-19 pandemic and resulting widespread employee telework at the Agency’s Headquarters offices, we are no longer accepting checks or money orders as payment at this time. To submit payment for your FOIA request, please use www.pay.gov. From the www.pay.gov home page, scroll down to the bottom left corner to select “Pay a FOIA Request.” Click “See all options” and go to “Filter By Agency” to check the box for the National Labor Relations Board. Continue following instructions on the website. Please remember to include the Invoice Number, which is the NLRB FOIA Case No., and the amount you intend to pay. Further, please be advised that all FOIA payments must be paid in full before any future FOIA requests are processed.

You may contact Michael A. Maddox, the FOIA Attorney-Advisor who processed your request, at (202) 273-0013 or by email at Michael.Maddox@nrlb.gov, as well as the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records

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Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nlrb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (one page)